

REMARKS

Claims 1-41 are pending in this application. Claims 1 and 21 are amended herein. Support for the amendments to the claims may be found in the claims as originally filed. The amendments to the claims are believed to place the application in condition for allowance, and entry thereof is earnestly solicited. In a first alternative, entry of the amendments to the claims is requested in order to place the application in better condition for appeal. In a second alternative, withdrawal of the finality of the subject Office Action as discussed below, and entry of the amendments to the claims as a matter of right is requested. Reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicant acknowledges with appreciation the consideration of the arguments filed on January 13, 2005. As discussed in the telephone conference of August 17, 2005 between the undersigned representative of the Applicant and the Examiner, the section of the final Office Action entitled "Response to Arguments/Amendments" refers to new grounds of rejection that rendered the Applicant's arguments submitted January 13, 2005 moot.

The grounds of rejection on pages 3-11 of the final Office Action, however, appear to be identical to the grounds of rejection of the previous Office Action. As discussed further in the telephone conference of August 17, 2005 there are apparently no new grounds of rejection in the final Office Action, and the Examiner agreed to remove the finality of the subject Office Action upon receipt of a further response from the Applicant.

Claim Rejections - 35 U.S.C. § 103:

Claims 1-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vajk et al., U.S. Patent No. 5,265,033 (hereinafter "Vajk") in view of Semple et al., U.S. Patent No. 6,085,177 (hereinafter "Semple") and further in view of K. Furuta, Japanese Patent Laid-Open Publication No. HEI 7-319975 (hereinafter "Furuta"). The rejection is traversed, to the extent it might apply to the claims as amended. Reconsideration is earnestly solicited.

Claims 1 and 21 recite,

"a first ATM having a message input section to input a message during a remittance financial transaction so that the message is transmitted to a remittance destination after the remittance financial transaction."

Neither Vajk, Semple, nor Furumoto teach, disclose, or suggest a first ATM having a message input section to input a message during a remittance financial transaction so that the message is transmitted to a remittance destination after the remittance financial transaction, as recited in claims 1 and 21. Thus, even if the references were combined as proposed in the Office Action, the claimed invention would not result.

Furthermore, the Office Action acknowledges at page 4 that

“Vajk does not disclose communication network is public communications network comprises Internet or Intranet (claims 18-19), that is separate from the exclusive line, and the associated depository information indicates a site where message is stored in message depository.”

The Office Action seeks to compensate for this deficiency of Vajk by combining Vajk with Semple, saying at pages 4 and 5 that,

“Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Vajk’s ATM machines to include Internet access feature for the purpose of providing more convenient for the many users can access to the Internet at ATM machine, not just at home, to perform many Internet transaction such as using electronic mail message.”

M.P.E.P. § 2143.01, however, prohibits a proposed modification that would render a reference unsatisfactory for its intended purpose. In this case, one intended purpose of Vajk is to provide a secure system for public access to electronic mail services. To ensure a secure system, Vajk avoids the Internet entirely and

“employs unique peripherals in conjunction with parts of existing communications networks and devices to provide simple text communications to remote locations. It provides this service by means of a structured link between a store and forward message switch and other already installed communication systems.”

as described at column 2, lines 12-18.

Communication over the Internet, while satisfactory for most uses, will not be as secure as communication over the “structured link between a store and forward message switch and other already installed communication systems,” provided by Vajk. Modifying Vajk to include Internet access as proposed in the Office Action, therefore, conflicts with Vajk’s intended purpose of providing *secure* communication, and is therefore prohibited by M.P.E.P. § 2143.01.

It is submitted, therefore, that persons of ordinary skill in the art who read Vajk for all it contains at the time the invention was made would have been deterred from modifying Vajk as proposed in the Office Action, since to do so would have negated Vajk’s intended purpose of providing *secure* communication, in contravention of M.P.E.P. § 2143.01.

The Office Action acknowledges further at page 6 that

“Vajk does not disclose management apparatus communicate with message depository via the public communications network.”

The Office Action seeks to compensate for this deficiency of Vajk by combining Vajk with Semple and Furuta, saying at page 6 that,

“Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Vajk’s ATM machines modified by Semple’s and Japanese Patent HEI 7-31995 to include the feature for the purpose of providing more convenient in communication via the communication network.”

Modifying Vajk to allow a management apparatus to communicate with a message depository via the public communications network, however, conflicts with Vajk’s intended purpose of providing *secure* communication, as discussed above, and is therefore prohibited by M.P.E.P. § 2143.01.

It is submitted, therefore, that persons of ordinary skill in the art who read Vajk for all it contains at the time the invention was made would have been deterred from modifying Vajk as proposed in the Office Action, since to do so would have negated Vajk’s intended purpose of providing *secure* communication, in contravention of M.P.E.P. § 2143.01.

Similarly, the proposed modification of Vajk at page 5 of the Office Action to add voice and image information to a remittance transaction also conflicts with Vajk’s purpose of providing simple text communications to remote locations, and is therefore prohibited by M.P.E.P. § 2143.01 as well. Voice and image information would not be, presumably, simple text communications.

M.P.E.P. § 2143.01 also prohibits a proposed modification that would change the principle of operation of a reference.

Vajk, “advantageously uses the existing networks of ATM and POS terminals together with the national and regional clearing house networks or transaction switches that interconnect the various ATM and POS systems to provide wide public access to electronic mail services.”

as described at column 2, lines 18-23.

Modifying Vajk to include Internet access, on the other hand, as proposed in the Office Action, would change Vajk’s principle of using the existing networks of ATM and POS terminals together with the national and regional clearing house networks or transaction switches that interconnect the various ATM and POS systems, and is therefore prohibited by M.P.E.P. §

2143.01 as well. Claims 1 and 21 are submitted to be allowable. Withdrawal of the rejection of claims 1 and 21 is earnestly solicited.

Claims 2-20 and 22-40 depend from claim 1 or claim 21, respectively, and add additional distinguishing elements. Claims 2-20 and 22-40 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2-20 and 22-40 is earnestly solicited.

Claim 41:

Claim 41 recites,

“inputting a message for a remittance destination during a remittance financial transaction at an automated teller machine (ATM) to perform a financial transaction.”

Neither Vajk, Semple, nor Furumoto teach, disclose, or suggest inputting a message for a remittance destination during a remittance financial transaction at an automated teller machine (ATM) to perform a financial transaction, as discussed above with respect to the rejections of claims 1 and 21. Thus, even if the references were combined as proposed in the Office Action, the claimed invention would not result.

Claim 41 recites further,

“sending the message for storage from the ATM to a message depository via a public communications network.”

The Office Action acknowledges that Vajk shows no sending the message for storage from the ATM to a message depository via a public communications network, as discussed above with respect to the rejections of claims 1 and 21. Persons of ordinary skill in the art who read Vajk for all it contains at the time the invention was made would have been deterred from modifying Vajk as proposed in the Office Action, as also discussed above with respect to the rejections of claims 1 and 21. Claim 41 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejections of claim 1 and 21. Withdrawal of the rejection of claim 41 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1 through 41 are allowable over the cited references. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/447,658

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 27 5 05

By: 

Thomas E. McKiernan
Registration No. 37,889

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501